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 6 MINERAL COUNTY OF NEVADA

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,)
 12)
 13 Plaintiff,)
 14)
 15 WALKER RIVER PAIUTE)
 16)
 17)
 18)
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 20)
 21)
 22)
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vs.

WALKER RIVER IRRIGATION
 DISTRICT, a corporation, et al.
 Defendants.

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EXHIBIT A

FILED
 OCT 25 2 30 PM '94
 CANCEL
 BY JKH
 DEPUTY

U.S. DISTRICT COURT
 DISTRICT OF NEVADA
 FILED
 JAN 3 1995
 CLERK, U.S. DISTRICT COURT
 BY JKH DEPUTY

IN EQUITY NO. C-125s
 Subfile No. C-125-B
 C-125-C

MINERAL COUNTY'S
 PROPOSED PETITION TO
 INTERVENE

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1 WALKER RIVER IRRIGATION)
2 DISTRICT,)

3 Petitioner,)

4 vs.)

5 CALIFORNIA STATE WATER)
6 RESOURCES CONTROL)
7 BOARD, W. DON MAUGHAN,)
8 EDWIN H. FINSTER, ELISEO)
9 M. SAMANIEGO, JOHN)
10 CAFFREY and DARLENE E.)
11 RUIZ, Members of the California)
12 Water Resources Control Board,)

13 Respondents.)
14 _____)

15 COMES NOW, Intervenor-Petitioner, MINERAL COUNTY OF NEVADA, by
16 and through its attorneys of record, on its own behalf and for benefit of the citizens,
17 residents, and users of Walker Lake, and claims as follows:

18 I.

19 INTRODUCTION

20 1. This claim is made for recognition of a right of minimum level of water
21 for Walker Lake by means of certain right being reserved and allowed to flow down
22 the Walker River both east and west forks, in sufficient quantity to reach, replenish,
23 and maintain Walker Lake. Such minimum levels are requested based upon sufficient
24 water to sustain naturally occurring fish population.
25
26
27
28

II.

JURISDICTION

2. Jurisdiction over this claim is pursuant to the continuing jurisdiction of this Court over the waters of the Walker River and its tributaries in California and Nevada; and the matter in controversy arises under the Constitution, laws, or treaties of the United States.

III.

PARTIES

3. Intervenor-Petitioner, MINERAL COUNTY OF NEVADA, appears in this case on its own behalf and for the benefit of the citizens and residents of Mineral County and users of Walker Lake for recreational, aesthetic, preservation of wildlife, and economic purposes. Mineral County is duly established under the laws of the State of Nevada and retains all rights delegated pursuant to NRS 244.165 with the capacity to sue in its own name.

4. Respondents are all water users on the Walker River and its tributaries as set forth in the Final Decree.

IV.

GENERAL ALLEGATIONS

5. Petitioner-Intervenor, MINERAL COUNTY OF NEVADA, hereinafter referred to as, "County," currently benefits from the presence of sufficient levels of

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1 water in Walker Lake. The Nevada Department of Wildlife holds in trust for Mineral
2 County, the right to 700 cfs. of surplus flows annually, Certificate No. 10860, granted
3 by the State Engineer of Nevada on December 28, 1983.
4

5 6. Walker Lake and approximately 16 linear miles of Walker River are
6 totally contained within the legal boundaries of Mineral County. The elevation of
7 Walker Lake in 1908 was 4,077 feet. The elevation of Walker Lake in 1993 was
8 3,950 feet which is equivalent to a loss of one-half of the Lake. The levels required
9 to maintain Walker Lake as a viable fishery are at an elevation of 3,972 feet. At the
10 present rate of depletion Walker Lake will be dry by the year 2020.
11

12 7. Walker Lake supports recreational fishing, boating, and wildlife habitat.
13 Activities and businesses attributable to the presence and use of Walker Lake
14 represents approximately 50% of the economy of Mineral County.
15

16 8. The current and consistent total loss of flows from Walker River into
17 Walker Lake has degraded the quality of water in Walker Lake substantially.
18

19 9. The public interest requires the maintenance of minimum levels in
20 Walker Lake that will sustain the naturally occurring fish population and provide for
21 the preservation of Walker Lake for the citizens and residents of the County for
22 recreational values, preservation of wildlife, and maintenance of the economy of
23 Mineral County.
24

25 10. Without reallocation of the waters to insure priority minimum flows to
26 sustain the Lake, Walker Lake, its users and the citizens of Mineral County will suffer
27 substantial and irreparable damage.
28

1 11. Minimum flowage guaranteed to Walker Lake was not dealt with,
2 resolved, or considered in the original decree (C-125) of 1936.

3 12. Paragraph XIV of the Final Decree provides that this Court retain
4 jurisdiction.
5

6
7 V.
8

9 FIRST CLAIM FOR RELIEF

10 11. An adjudication and reallocation of the waters of Walker River to
11 preserve the minimum levels in Walker Lake, as a condition to the water rights
12 licenses of all upstream users -- such requirements of minimum levels of Walker Lake
13 to be a condition to each license and certificate presently held by upstream license
14 holders in California and Nevada.
15

16 12. The right to, at least, 103,000 acre feet of flows annually reserved from
17 the Walker River that will reach Walker Lake.
18

19
20 WHEREFORE, Petitioner-Intervenor, prays:

21 1. The Court, pursuant to its continuing jurisdiction under paragraphs XIV
22 of the Final Decree, reopen and modify the final Decree to recognize the rights of
23 Mineral County, its citizens and residents and other users of Walker Lake to have
24 minimum levels to maintain the viability of Walker Lake as a body of water to sustain
25 its naturally occurring fish population and for recreational benefits, wildlife
26 preservation, aesthetic and economic beneficial use.
27
28

1 2. That the Court order the State of Nevada to grant a certificate to
2 Mineral County for the benefit of Walker Lake in the amount of 103,000 acre/feet per
3 year.
4

5 3. That the Court recognize that the minimum levels necessary to maintain
6 the viability of Walker Lake as a body of water to sustain its naturally occurring fish
7 population and for recreational benefits, wildlife preservation, aesthetic and economic
8 benefits is a beneficial use and in the public interest and required under the doctrine of
9 maintenance of the public trust.
10

11 4. That the Court grant such other and further relief as it deems just and
12 proper.
13

14
15 DATED this 21st day of October, 1994.

16 RESPECTFULLY SUBMITTED,

17 ZEH, SPOO & HEARNE
18

19
20 BY 

21 TREVA J. HEARNE

22 Attorney for Intervenor-Petitioner

23 MINERAL COUNTY OF NEVADA
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